

REMARKS

This Amendment After Final Rejection is submitted in response to the outstanding final Office Action, dated June 23, 2009. Claims 1 through 19 are presently pending in the above-identified patent application. In this response, applicant proposes to amend claims 1, 5, 8, 12, 14, and 18. No additional fee is due.

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims, i.e., claims 1 through 19, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner. In any case, a Request for Continued Examination is being submitted herewith.

In the Office Action, claims 5 and 8 are objected to because of indicated informalities. The Examiner rejected claims 1-2 under 35 U.S.C. §103(a) as being unpatentable over Dudkiewicz (United States Publication No. 2005/0172318) in view of Buehl (United States Publication No. 2002/0104093). Claims 3-7 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz and Buehl and further in view of Abecassis (assumed to be United States Patent No. 6,408,128). Claims 8-11 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz and in view of Abecassis.

Formal Objections

Claims 5 and 8 are objected to because of the following informalities: in claim 5, line 6, change “the user profile” to –a user profile--, and in claim 8, line 11, change “the time axis” to –a time axis--.

Applicants note that the cited claims have been amended in accordance with the Examiner’s suggestions.

Independent Claims 1, 5, 8, 12, 14 and 18

Independent claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dudkiewicz in view of Buehl, independent claims 5, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz and Buehl and further in view of Abecassis, and claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz and in view of Abecassis. Regarding claim 1, the Examiner asserts that Dudkiewicz

discloses the content digest comprising at least one of the content segments, wherein said importance level is a degree of importance (paragraphs [0022], [0149], and [0150]).

Applicants note that independent claims 1, 5, and 12 have been amended to require that the *content, predetermined or video digest comprises at least two of the content segments sorted along a time axis based on said importance level*. Independent claim 8 has been amended to require a video digest data generator, for *selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along a time axis based on the importance levels*, and for generating video digest data. Independent claim 14 has been amended to require *generating a video digest from the predetermined number of scenes, wherein the predetermined number of scenes are sorted along a time axis based on said video importance level*, and independent claim 18 has been amended to require a video digest comprising multiple scenes, *sorted along a time axis based on a processor-generated importance level*. Support for this amendment can be found in FIG. 9 and the associated text of the originally filed disclosure.

Applicants also note that Dudkiewicz teaches that “the preferred programming event schedule may be used by the client agent to provide alerts concerning programming events to a real time viewer, or to automatically record programming events when no real time viewer is present.” (Paragraph [0096].) Dudkiewicz does *not* disclose or suggest, however, that a *content or video digest* is created, or that a content or video digest comprises *scenes or segments sorted along a time axis based on an importance level*.

In addition, Applicants note that the Examiner previously considered the amended limitation in rejecting claim 8, where the Examiner asserted that Abecassis discloses a video digest data generator, for selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along a time axis (col. 57, lines 7-25). In the text cited by the Examiner, Abecassis teaches:

Alternatively, or additionally, a viewer may achieve desired results by specifying in addition to, or instead of the search rate, the percentage of the video and/or each segment, and/or the amount of time as a minimum or maximum given the length of the segment. For example, twenty percent of each segment but not more than two minutes nor less than 30 seconds from each segment. FIG. 14C illustrates a second instance 1434 in which, by this method, a proportional amount from each segment is played subject to the minimum and maximum specified amount for each segment. A proportional amount played may also be subject to, e.g., factor in, the relevance rating code previously detailed.

Additionally, or alternatively, while with respect to motion pictures it may not be as useful, in certain situations it may be advantageous, and/or preferred by the viewer to directly specify an amount to be applied to each of the segments, and/or a specific amount for each or some of the individual segments.
(Col. 57, lines 7-25.)

Abecassis, however, does *not* disclose or suggest that a *content or video digest* is created, or that a content or video digest comprises *scenes or content segments sorted along a time axis based on an importance level*.

Thus, Dudkiewicz, Buehl, and Abecassis, alone or in combination, do not disclose or suggest that the *content, predetermined or video digest comprises at least two of the content segments sorted along a time axis based on said importance level*, as required by independent claims 1, 5, and 12, as amended, do not disclose or suggest a video digest data generator, for *selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along a time axis based on the importance levels*, and for generating video digest data, as required by independent claim 8, as amended, do not disclose or suggest *generating a video digest from the predetermined number of scenes, wherein the predetermined number of scenes are sorted along a time axis based on said video importance level*, as required by independent claim 14, as amended, and do not disclose or suggest a video digest comprising multiple scenes, *sorted along a time axis based on a processor-generated importance level*, as required by independent claim 18, as amended.

Dependent Claims 2-4, 6-7, 9-11, 13, 15-17 and 19

Claims 2-4, 6-7, 9-11, 13, 15-17 and 19 are dependent on claims 1, 5, 8, 12, 14, and 18, respectively, and are therefore patentably distinguished over Dudkiewicz, Buehl, and Abecassis, alone or in combination, because of their dependency from amended independent claims 1, 5, 8, 12, 14, and 18 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims following entry of the amendments, i.e., claims 1-19, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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5 Date: September 23, 2009

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